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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,684	09/12/2003	Vincent Tremblay	16651-IUS-1 DAT/a1	7690
20988	7590	05/04/2004	EXAMINER	
OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/660,684	<b>Applicant(s)</b> TREMBLAY, VINCENT	
	<b>Examiner</b> Gary L. Welch	<b>Art Unit</b> 3765	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Melone, Jr. (U.S. 5,802,614).

Melone, Jr. discloses a sports glove adapted for catching a moving article. The glove has an inner compartment for accepting a user's hand therein and is arranged to permit free movement of the hand. The glove includes a tubular hand wrapper 73 formed to encircle the hand, extending past the wrist and reaching the knuckles of the hand (Figures 3 and 4). Means (i.e., finger sleeves 76', 77') are provided to fix the tubular hand wrapper inside the inner compartment, which prevents the glove from escaping from grip of the hand while allowing free movements of the hand along the axis of the wrist and all fingers.

With regard to claim 2, the glove is a baseball glove (Col. 2, lines 22-39).

With regard to claim 3, the tubular hand wrapper 73 comprises a thumb sleeve 77' that is open-ended to allow the tip and a portion of the thumb adjacent the tip to be open.

With regard to claim 4, the hand wrapper 73 is a fingerless glove.

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With regard to claim 5, the means (76', 77') is a temporary fixing means.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melone, Jr. (U.S. 5,802,614) in view of Klein (U.S. 4,197,592).

Melone, Jr. discloses the invention substantially as claimed above.

However, Melone, Jr. does not disclose that the means to fix the hand wrapper is a temporary fixing means such as a snap, clamp, zipper or Velcro.

Klein teaches a glove comprised of an inner 30 and outer glove 31. The inner glove 30 is attached to the outer glove 31 at selected areas such as in the fingertips and the cuff with loose stitching 34. This arrangement allows the inner glove and outer glove to perform as a single unit but still allow for necessary expansion between the two gloves (Col. 6, lines 1-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to stitch the hand wrapper 73 and outer glove 72 of Melone, Jr. together as taught by Klein with loose stitching so as to allow the hand wrapper and the outer glove to perform as a single unit but still allow for necessary expansion between the two gloves.

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It is well known in the art that various types of securing mechanisms are functionally equivalent. Hook and loop, button, snap, clamp, zipper and adhesive are a few examples. These securing mechanisms may be used interchangeably depending upon the desired aesthetic effect. Further, the specification does not give an indication of why the hook and loop fastener would be desirable over another fastener type. Therefore, it would have been obvious to substitute the stitching of Klein with hook and loop, clamp, zipper or snaps since.

With regard to claims 7 and 8, the invention is disclosed above.

### ***Conclusion***

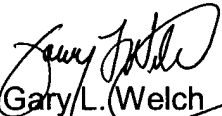
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Golomb '382, Gold '313, Cheek '772, Granich et al. '803 and Mah '828 disclose various gloves having an inner glove disposed within an outer glove.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (703) 305-0451. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw